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# Criminal Law and Criminology: Survey of Recent Books

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## RECENT BOOKS

### CRIMINAL LAW AND CRIMINOLOGY: A SURVEY OF RECENT BOOKS

JULIET CASPER SMITH\*

#### CAPITAL PUNISHMENT—UNITED STATES

THE DEATH PENALTY IN AMERICA: CURRENT CONTROVERSIES  
(Hugo Adam Bedau, ed.) (N.Y.: Oxford University Press, 1997)  
524 pp.

More than a revision of *The Death Penalty in America* (3d ed., 1982), this book is comprised of new essays and updated statistical data. The editor has gathered relevant articles, which were previously published in law reviews, scholarly journals, and government documents but have often been unavailable to members of the general public. The book is divided into seven parts: the nation's capital punishment laws; public opinion on the death penalty and punishment alternatives; deterrence and incapacitation; survey of Supreme Court decisions; the role of race and class; applying the death penalty; and the debate between Christian theologians and philosophers. While the editor openly states that he is opposed to the death penalty, his work offers a balanced account of the issue.

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**CRIME—FLORIDA—HISTORY—19TH CENTURY**

DENHAM, JAMES M., "A ROGUE'S PARADISE": CRIME AND PUNISHMENT IN ANTEBELLUM FLORIDA, 1821-1861 (Tuscaloosa, AL: University of Alabama Press, 1997) 385 pp.

With a narrative rather than statistical emphasis, this legal history focuses upon a particular period of Florida history when the State was in a unique position of attracting criminals and criminal activity. From 1821 to 1861, the State was very isolated and travel was difficult. Florida's frontier conditions affected its criminal code, law enforcement efforts, the administration of justice, and public attitudes regarding crime and punishment. The author uncovers Florida's version of the Southern Honor Code and notions of economic morality.

**CRIMINAL PROCEDURE—UNITED STATES**

AMAR, AKHIL R., THE CONSTITUTION AND CRIMINAL PROCEDURE: FIRST PRINCIPLES (New Haven, Conn: Yale University Press, 1997) 272 pp.

Focusing upon the text, history, and structure of the Constitution, this author illustrates how the Fourth, Fifth, and Sixth Amendments fit together and advocates an approach to criminal procedure doctrine that incorporates all three amendments. He believes that these amendments should be construed in such a way as to "protect the innocent without needlessly advantaging the guilty." Each chapter consists of a previously written law review article that has been edited for purposes of the book.

HOW TO HANDLE YOUR FIRST CRIMINAL TRIAL (Edward R. Hammock, Chair) (N.Y.: Practicing Law Institute, 1997) 144 pp.

The papers gathered within this work were part of a program offered by the Practicing Law Institute. The authors, all attorneys in New York, discuss issues such as preliminary and post conviction considerations, the duty to disclose, various defense motions, and voir dire examination.

**EVIDENCE (LAW)**

DAMASKA, MIRJAN R., *EVIDENCE LAW ADRIFT* (New Haven, Conn: Yale University Press, 1997) 160 pp.

This book explores the nature of Anglo-American legal culture and institutions in order to see if they affect the way in which evidence is obtained and presented. The Anglo-American common law system is contrasted with the civil law systems in countries of Continental Europe. The author specifically looks at the notion of trial by jury, the adversarial nature of trials, the use of pretrial proceedings, and the use of scientific methods.

**JUSTICE, ADMINISTRATION OF—UNITED STATES**

OUTSIDE THE LAW: NARRATIVES ON JUSTICE IN AMERICA (Susan Richards Shreve & Porter Shreve, eds.) (Boston: Beacon Press, 1997) 196 pp.

The provocative essays within this book challenge the reader to define justice—a concept most of the writers feel should not be left in the hands of lawyers or judges. Some of the topics tackled include the prison system, the Susan Smith trial, jury nullification, affirmative action, and homosexuality. These writers are not legal scholars; instead, they are poets, fiction writers, professors of literature, and journalists.

**MURDER—NEW MEXICO—HISTORY—CASE STUDIES**

MOCHO, JILL, *MURDER AND JUSTICE IN FRONTIER NEW MEXICO, 1821-1846* (Albuquerque: University of New Mexico Press, 1997) 245 pp.

According to surviving court records, from 1821 to 1846 New Mexico (then part of the Republic of Mexico) adjudicated eleven homicide cases. This author studies these cases in order to shed light on the societal conflicts, tensions, and values of the time. She provides historical background on the Mexican Era, its political organization, and its judicial procedures. The cases are organized into three parts: those involving family; fellow citizens; and foreigners.

**MURDERERS—ALABAMA—BIOGRAPHY**

JENKINS, RAY, *BLIND VENGEANCE: THE ROY MOODY MAIL BOMB MURDERS* (Athens, GA: University of Georgia Press, 1997) 338 pp.

A native of Georgia, this author tells the tale of fellow Georgian Walter Leroy Moody Jr., the man convicted of killing Judge Robert S. Vance and attorney Robert Robinson. The author combines personal recollections with newspaper accounts, the trial transcript, and interviews in order to create a fascinating narrative set against a backdrop of Southern political culture.

**RECIDIVISM**

ZAMBLE, EDWARD, *THE CRIMINAL RECIDIVISM PROCESS* (N.Y.: Cambridge University Press, 1997) 181 pp.

Believing that criminal actions are the result of ongoing psychological processes, this author studied and interviewed over 300 men who recently returned to prison in Ontario, Canada. He compared these men to a group of ex-offenders that was successfully living in the community. The results of his study have implications for rehabilitation programs, early release supervision, and methods for preventing recidivism.

**TRIALS (ATTEMPTED MURDER)—ALABAMA—SCOTTSBORO**

WOODFIN, BYRON, *LAY DOWN WITH DOGS: THE STORY OF HUGH OTIS BYNUM AND THE SCOTTSBORO FIRST MONDAY BOMBING* (Tuscaloosa, Ala: University of Alabama Press, 1997) 231 pp.

This true crime story exposes the violent streak of the wealthy Alabama landowner Hugh Otis Bynum. It also shows a classic legal battle between a young, ambitious state attorney general and the state's top defense attorneys. On December 4, 1972, Bynum had attorney Loy Campbell's car bombed. Campbell lost both legs and barely survived this attempt on his life. This book is based upon court records, interviews with participants, and newspaper accounts.

**UNITED STATES SUPREME COURT—HISTORY**

SMITH, CHRISTOPHER E., *THE REHNQUIST COURT AND CRIMINAL PUNISHMENT*. (N.Y.: Garland Pub., 1997) 159 pp.

This author believes that "the changes in the Supreme Court's composition and decision making have had particularly dramatic effects on the criminal punishment issues of the death penalty, 'cruel and unusual punishments' in prisons, and habeas corpus." Chief Justice Rehnquist, a conservative, opposes the expansive rights of criminal defendants as recognized by earlier Chief Justices Warren and Burger. Through his assignment power, Rehnquist can influence constitutional doctrine. The author examines court cases dealing with excessive sentences, prison conditions, death penalty discrimination, and access to justice.

**WOMEN—CRIMES AGAINST**

BENEDICT, JEFF, *PUBLIC HEROES, PRIVATE FELONS: ATHLETES AND CRIMES AGAINST WOMEN*. (Boston: Northeastern University Press, 1997) 254 pp.

Between 1986-1996, over 450 professional and college athletes were publicly reported for committing violent crimes against women. This book, written by a former employee of the Center for the Study of Sport, chronicles the problem of athletes and violence. The author believes that the "sports industry has been slow to confront both the presence of players who are predisposed toward violence and the sexually deviant lifestyle that has become the calling card for a growing number of successful athletes." The author offers three proposals for change within the sports industry.

